

## **DETAILED ACTION**

This is the First Office Action in response to the above identified patent application filed on January 11, 2005.

### ***Claim Rejections - 35 USC § 112***

1 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2 Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 1 of claim 1, and elsewhere, the addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. Ex parte Copenhaver, 109 USPQ 118 (Bd. App. 1955).

### ***Double Patenting***

3 The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4 Claims 1-3 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-36 of U.S. Patent No. 6,849,025.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite a friction transmission having rollers supported by a supporting member and positioned at a specific angle.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3 Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese Reference 6-74311 (JP'311).

JP '311 illustrates in at least Figure 10 a friction roller transmission comprising: a first roller (13) and a second roller (14) disposed around two shafts spaced in parallel away from each other so that said first roller and said second roller, with said respective shafts being centered, do not contact each other; and a third roller (15a) and a fourth roller (15b) each of which contacts both of said first roller and said second roller, and disposed between said first roller and said second roller and on the side opposite to a line connecting a center of said first roller and a center of said second roller, wherein an angle which is made by a tangential line between said first roller and said third roller (or said fourth roller) and a tangential line between said second roller and said third roller (or said fourth roller) is set not to exceed two times a frictional angle obtained from a coefficient of friction between said respective rollers (see written description), wherein the third and fourth rollers are inherently loaded (not shown) to holding members for rotatably holding said third or fourth roller so that said holder members are retained in set positions.

### ***Claim Rejections - 35 USC § 103***

5      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6 Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Reference 6-74311 (JP '311) in view of either Japanese Reference 2001-208154 (JP '154) or Japanese Reference 2001-271897 (JP '897).

JP '311, as described above, does not clearly teach a holding member having a flange, a pin, or a spring. The prior art to JP '154 or JP '897 teaches a friction transmission having rollers which are supported by a holding member, the holding member having a flange, pin, and a spring member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the friction transmission of JP '311 with a holding member having the claimed configuration, as taught by either JP '154 or JP '897, motivation being to support the third and forth rollers with a predetermined amount of pressing force so as to prevent slipping between the friction rollers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Joyce/ 6/8/08  
Primary Examiner, Art Unit 3682